

Application Serial No. 10/537,481

Client/Matter No. 12867/5

Reply to Office Action dated November 15, 2007

IN THE DRAWINGS

The attached Replacement Sheets include changes to Fig. 1 and Fig. 2. In Fig. 1, reference number "20" has replaced one of the reference numbers incorrectly labeled "19." In Fig. 2, previously omitted reference number "37" has been added.

REMARKS

These remarks are in response to the Office Action dated November 15, 2007.

Claims 1-8 were pending in the application at the time of examination.

In the Office Action, the drawings are objected to because they do not include reference number "37," which is mentioned in the description. The drawings are also objected to because the reference number "19" has been used to designate both a cleaning head and a pivotal connection.

The disclosure is objected to because the reference number "19" has been used to designate both a cleaning head and a pivotal connection. The disclosure is also objected to because the reference number "37," which is mentioned in the description, is not included in the drawings.

Claim 1 is objected to because the term "dust separating/collecting means," without accompanying "means to" or "means for" language, is allegedly unclear. Claim 1 is also objected to because the limitation "there is a releasable catch means providing for the wand with cleaning head attached to be releasably connected" is allegedly unclear.

Claim 7 is objected to because the limitation "spring biased to bias the wand so as to urge the second catch formations into engagement" is allegedly unclear.

Claims 1, 2, and 4-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by US 6,058,559 ("Yoshimi").

Claims 1 and 3-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by GB 2128075A ("Busalt").

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Busalt in view of DE 3834686C1 ("Barski").

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

I. OBJECTIONS

a. Objections to the Drawings

The drawings are objected to because they do not include reference number "37," which is mentioned in the description. A Replacement Sheet is attached for amended Fig. 2, where previously omitted reference number "37" has been added.

The drawings are also objected to because the reference number "19" has been used to designate both a cleaning head and a pivotal connection. A replacement Sheet is attached for amended Fig. 1, where reference number "20" has replaced one of the reference numbers incorrectly labeled "19."

Applicants therefore respectfully request the Examiner's objections to the Drawings be withdrawn.

b. Objections to the Disclosure

The disclosure is objected to because the reference number "19" has been used to designate both a cleaning head and a pivotal connection. The second paragraph on page five has been amended so that reference number "20" designates the pivotal connection.

The disclosure is also objected to because the reference number "37," which is mentioned in the description, is not included in the drawings. In amended Fig. 2, previously omitted reference number "37" has been added.

Applicants therefore respectfully request the Examiner's objections to the Disclosure be withdrawn.

c. Objections to the Claims

Claim 1 is objected to because the term "dust separating/collecting means," without accompanying "means to" or "means for" language, is allegedly unclear. Claim 1 has been amended so that "a dust separating/collecting means" now reads "a separator arrangement," as used in the Disclosure. (see page 4, line 22).

Claim 1 is also objected to because the limitation "there is a releasable catch means providing for the wand with cleaning head attached to be releasably connected" is allegedly unclear. As the Examiner suggested, Claim 1 has been amended so that the phrase "a wand with a cleaning head attached thereto" replaces "a wand; and a cleaning head," and the phrase "and cleaning head" replaces "with cleaning head attached."

Claim 7 is objected to because the limitation “spring biased to bias the wand so as to urge the second catch formations into engagement” is allegedly unclear. As the Examiner suggested, Claim 7 has been amended to read “a spring to bias the wand so as to urge the second catch formation into engagement.”

Applicants therefore respectfully request the Examiner’s objections to the Claims be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. § 102

a. Rejection of Independent Claim 1

Independent claim 1 is rejected under 35 U.S.C. § 102(b) as anticipated by both Yoshimi and Busalt. The examiner asserts that both Yoshimi and Busalt anticipate each and every limitation of the rejected claim. Applicants respectfully traverse these rejections.

Independent claim 1 is directed to a cylinder type suction cleaner that addresses the problem of compact storage, in part, by providing a configuration with a small foot print for storage purposes. (see page 2, lines 17-18; page 7, lines 16-25). To that end, amended claim 1 recites, in part, “the main unit is configured to stand on an end, further comprising a releasable catch formation configured to connect the wand to the main unit, wherein, when connected to the main unit, part of the wand lies at least partially within a recess provided in the main unit, the recess extending at least partially between distinct portions of the catch formation disposed upon the main unit.” Amended claim 1 is supported by the Disclosure, which states that “[a] part-cylindrical recess 39 is provided in the underside 14 of the body 11 of the cleaner main unit, extending from the catch member 34 to and slightly beyond the castor assembly 15.” (see page 6, line 15-17).

Both Yoshimi and Busalt, however, do not teach or disclose a suction cleaner with a wand that, when connected to the main unit, lies partially within a recess extending between the distinct portions of a catch formation disposed upon the main unit. With respect to Yoshimi, the Examiner argues that “parts 4d and 10 are both considered to be part of the wand, and are both positioned within respective recesses 1c and 1d, which are part of the main body.” Office Action dated November 15, 2007, p.

5. However, even if, *arguendo*, parts 4d and 10 are construed as part of the wand, rather than as separate members attached thereto, they do not lie partially within a recess provided in the main unit that extends between part 1c and 1d. Rather, parts 4d and 10 lie partially within individual "recesses" localized at 1c and 1d. Thus, Yoshimi neither teaches nor discloses a recess in the main unit that extends between the distinct portions of a catch formation disposed upon the main unit and that receives at least part of the wand when connected to the main unit.

With respect to Busalt, the Examiner likewise argues that "part 11, which is considered to be a part of the wand, and a portion of the wand 4 are both positioned within respective recesses within catch means 7 and 8, which are part of the main body." Office Action dated November 15, 2007, pp. 7-8. Again, however, even if, *arguendo*, part 11 is construed as part of the wand, rather than as a separate member attached thereto, it does not lie partially within a recess provided in the main unit that extends between parts 7 and 8. Rather part 11 lies in a localized "recess" within the catch means 7, and the "recess" is located outward of the housing base 6. Similarly, the localized "recess" within the catch means 8 is located outward of the housing base. Thus, Busalt neither teaches nor discloses a recess in the main unit that extends between the catch means and that receives at least part of the wand when connected to the main unit.

For at least the reasons set forth above, Applicants respectfully submit that claim 1 is in condition for allowance.

b. Rejection of Dependent Claims 2-6

Dependent claims 2 and 4-6 are rejected under 35 U.S.C. § 102(b) as anticipated by Yoshimi. As discussed above, Yoshimi fails to disclose all of the limitations of independent claim 1, let alone the limitations of claims 2 and 4-6, which depend therefrom. For at least this reason, Applicants respectfully submit that claims 2 and 4-6 are allowable.

Dependent claims 3-5 are rejected under 35 U.S.C. § 102(b) as anticipated by Busalt. As discussed above, Busalt fails to disclose all of the limitations of independent claim 1, let alone the limitations of claims 3-5, which depend therefrom. For at least this reason, Applicants respectfully submit that claims 2-6 are allowable.

III. Rejections under 35 U.S.C. § 103

Dependent claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Busalt in view of Barski. The addition of Barski, however, does not provide all of the limitations of claim 1 missing from Busalt, as discuss above. For at least this reason, Applicants respectfully submit that claim 8 is allowable.

CONCLUSION

Each of the objections and rejections in the Office Action dated November 15, 2007 has been addressed and no new matter has been added. Applicants submit that all of pending claims 1-8 are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to contact the undersigned attorney if such communication would expedite the prosecution of this application.

Respectfully submitted,

Dated: 2/6/2008



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